

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No 7265 of 1995

Hon'ble MR.JUSTICE Y.B.BHATT

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
  2. To be referred to the Reporter or not?
  3. Whether Their Lordships wish to see the fair copy of the judgement?
  4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
  5. Whether it is to be circulated to the Civil Judge?

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ENGINEER OF GEB .

Versus

HEIRS & L.R OF DECD.HASMUKH M KOLI

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Appearance:

MR PK PANCHOLI for Petitioners

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CORAM : MR.JUSTICE Y.B.BHATT

Date of decision: 14/09/96

ORAL JUDGEMENT

1. Heard the learned counsel for the respective parties. Appeal admitted. Mr. Vaghela waives service on behalf of the respondents. At the joint request of the learned counsel for the respective parties, this appeal is taken up for final hearing today.

2. As a result of hearing, the controversy has been narrowed down. Learned counsel for the appellant states that he is not challenging the quantum of the award but only the rate of interest. In this context, learned

counsel for the respondent also agrees that the award of interest at the rate of 15% per annum on the decretal amount may be regarded to be excessive on the facts and circumstances of the case. However, both the learned counsel have agreed, and have left it to the Court to reduce this rate of interest to a reasonable level.

3. On the facts and circumstances of the case, it appears to me that interest at the rate of 13% per annum would serve the interests of justice.

4. Accordingly, the impugned judgment and decree is modified only to the extent that the decretal amount shall carry interest at the rate of 13 % per annum, the rest of the decree being confirmed. The order passed by the trial court, as regards the investment and disbursement of the decretal amount shall stand, and shall be implemented by the trial court. Accordingly, the present appeal is partly allowed with no order as to costs.

5. Decree accordingly.

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